INVESTIGATIVE SUMMARY

DEPUTY INVOLVED SHOOTING: HIT

CASE NUMBER: SH2328951

File # 013-00768-2914-057

DATE: February 1, 2013

TIME: 0158 Hours

LOCATION: [redacted] South Lemon Avenue, Walnut

SYNOPSIS

On February 1, 2013, at approximately 0158 Hours, Deputy Ray Huang, assigned to Walnut Station, was parked at 280 South Lemon Avenue in a marked black and white patrol vehicle.

> **IAB NOTE:** Deputy Huang was parked at the location preparing to eat his lunch.

While Deputy Huang was parked, he saw a female (Witness [redacted]), walking south on the west sidewalk of Lemon Avenue. Due to the late hour Deputy Huang decided to contact Witness [redacted] in order to check on her welfare. Deputy Huang drove his patrol vehicle to Witness [redacted] location and stopped along side of her and illuminated the area surrounding her with his vehicle's spotlight. Witness [redacted] continued walking while talking on her cell phone. Deputy Huang exited his vehicle and walked toward the front of the vehicle in order to contact Witness [redacted]. Deputy Huang asked Witness [redacted] to come over to him so he could talk to her. Witness [redacted] stopped and walked toward him. Deputy Huang was now positioned at the front of the passenger side of his vehicle. Deputy Huang asked Witness [redacted] to get off the phone. She complied and handed him the cell phone and her purse. Deputy Huang placed the items on the hood of his patrol car and continued to talk with Witness [redacted] While speaking with Witness [redacted] he noticed her eyes were bloodshot and her face was slightly red. Deputy Huang asked Witness [redacted] to turn around in order to conduct a pat down search for weapons. Witness [redacted] turned and placed her hands behind her back. Deputy Huang took hold of her gloved hands and felt a metal object inside one of her gloves. Deputy Huang removed the object and saw that it was an "Allen Wrench" which had been shaved down and could be used as a burglary tool or stabbing device. Deputy Huang asked Witness [redacted] about the object, she said she found it on the ground near the Von's grocery store.

Deputy Huang detained Witness [redacted] in the rear seat of his patrol vehicle pending a burglary tool investigation. Deputy Huang retrieved Witness [redacted] purse which was on the hood of his vehicle and walked to the driver side of the vehicle and began to look through her purse for identification.

> **IAB NOTE:** Deputy Huang used the driver side spotlight, which was already on, to look through her purse for identification.

As Deputy Huang was looking through her purse he saw a vehicle driving south on Lemon Avenue in the number two lane. The vehicle stopped to the rear of his vehicle in the number two lane with the headlights shining on Deputy Huang. Witness [redacted] told Deputy Huang, "That's my boyfriend." After hearing Witness [redacted] statements, regarding her fight with her boyfriend, Deputy Huang feared that the driver may attempt to hurt him. **Refer to Exhibit A, page 44** for statement from Witness [redacted] in regards to fighting with her boyfriend. Deputy Huang drew his department approved firearm from it's holster and pointed it in the direction of the vehicle and illuminated the interior of the vehicle.

> **IAB NOTE:** Deputy Huang's firearm is equipped with a mounted tactical light.

Deputy Huang saw the driver's hands on the steering wheel and yelled at the driver to leave the location. The driver, (Suspect Lobrono) yelled back, "That's my [redacted]." Deputy Huang responded saying, I don't care if that is your [redacted], you need to get the fuck out of here!" Suspect Lobrono took both of his hands off of the steering wheel and gave Deputy Huang the middle finger with both hands while simultaneously yelling, "Fuck you!"

Suspect Lobrono immediately revved his engine and accelerated toward Deputy Huang. Deputy Huang said the vehicle was accelerating rapidly and appeared to lose traction. He said when the vehicle gained traction Suspect Lobrono turned the vehicle in his direction. Deputy Huang backed up away from his vehicle and moved in a southeast direction out of the truck's path. Due to the incident occurring so quickly Deputy Huang was unable to get around his patrol vehicle to avoid being struck by the suspect's vehicle.

The suspect continued steering the vehicle toward Deputy Huang. Fearing Suspect Lobrono was going to run him over and kill him, Deputy Huang continued into the number one lane and fired his weapon at Suspect Lobrono.

Deputy Huang tripped and fell onto his back, as the suspect vehicle struck the raised center divider, spun out, and came to rest facing west in the north bound lanes of Lemon Avenue.

The suspect exited the vehicle through the passenger door and ran northeast through an industrial complex. A containment was established and Suspect Lobrono was apprehended.

Suspect Lobrono was transported to UCI Medical Center where he was treated for gunshot wounds. **Refer to Exhibit A, page 55** for medical evaluation paperwork.

> **IAB NOTE:** On June 21, 2013, Deputy District Attorney Stephanie Sparagna of the Justice System Integrity Unit authored a Letter of Opinion. DDA Sparagna concluded that Deputy Huang acted in, "Lawful self-defense."

This is a summary based on statements given during audio recorded interviews by the Deputy and witnesses. For complete and detailed statements refer to the digital audio recorded files and the verbatim transcripts, which are included in this investigation.

INVOLVED PERSONNEL

Huang, Ray[redacted] MO/35 5-06 150 Right Handed

WALNUT-PATROL

East Patrol Division

Date of Employment: 8/04/2004

Date Assigned to Patrol: 6/13/2010

Date Completed Patrol Training: [redacted]

Date of Range Qualification: [redacted]

Prior Shooting Incidents: [redacted]

Prior Founded Force Incidents: [redacted]

SUSPECT

Lobrono, Michael MH/35 5-09 195

The Consolidated Criminal History System [redacted]

[redacted]

IAB NOTE: Suspect Lobrono's Criminal History Report is included in this case book. **See Exhibit A, page 111.** Photographs of Suspect Lobrono are also included. **See Exhibit A, pages 93 and 94.**

NON-DEPARTMENT WITNESS

[redacted] FH/32

[redacted]

INJURIES

Suspect Lobrono

Below are the injuries Suspect Lobrono sustained during the incident.

Gunshot wound to the left pectoral region.

Gunshot wound to the left arm.

See Exhibit A, page 55, for medical records.

Deputy Personnel

None

PHYSICAL EVIDENCE

Several items of evidence were collected by the staff from Scientific Services Bureau. The suspect's vehicle was amongst the items recovered and collected as evidence.

IAB Note: A sketch of the crime scene, and evidence legend, is included in this case book. **See Exhibit A, page 78-79.** Photographs of the scene are also included. **See Exhibit A, page 151 thru 169.**

IAB Note: A compact disc containing photographs of the crime scene and the suspect vehicle are included in this case book. **See Exhibit D.**

Evidence was collected and booked by members of the Sheriff's Department Scientific Services Bureau. **See Exhibit A, pages 80 thru 85**.

Distance

Deputy Huang was approximately five to six feet away from the suspect vehicle when the shooting occurred.

INVESTIGATOR'S OBSERVATIONS

On February 1, 2013 the Internal Affairs Bureau's Force and Shooting Response Team Responded to the City of Walnut regarding a deputy involved hit shooting. The team consisted of Lieutenant Myron Johnson, Sergeants David Ladjevic and John Trani. Attorney Walter Katz of the Office of Independent Review also responded.

> **IAB NOTE:** Internal Affairs Bureau Lieutenant Myron Johnson checked to see that Walnut Station Watch Commander, John Stanley took reasonable steps to ensure involved personnel and witness personnel did not discuss the incident among themselves or with uninvolved persons prior to being interviewed by the assigned investigators, and that the involved and witness personnel did not collectively consult with their representative. In addition the IAB Lieutenant Myron Johnson checked to see it the watch commander attempted to have the involved and witness personnel gather in the company of a supervisor until they have provided a statement to the assigned investigators.

Upon their arrival they learned that there was an active command post and containment of the crime scene area. Investigators learned the series of events which occurred, culminated in a deputy involved, hit, shooting involving Deputy Raymond Huang.

The criminal investigation was handled by Homicide Bureau Detective Karen Shonka and Detective Wayne Holston. Detective McElderry and Sergeant Broissoit entered the crime scene with Sheriff's Crime Lab Personnel. They documented their actions and findings on Supplemental Reports. **See Exhibit A, pages 29-36.**

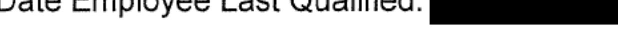
WEAPON USED BY DEPUTY PERSONNEL

Deputy Name: Huang, Ray

Service Weapon Type: Beretta 92FS, 9 millimeter Semi-automatic

Rounds Fired: 5

Type of Ammunition Used: Department issued Luger ("Win) Ranger SXT 147gr.



Date Employee Last Qualified: [redacted]

WEAPON USED BY SUSPECT

Lobrono, Michael

Type of Weapon Used: Vehicle, 1997 Toyota Tacoma

Weapon Recovered: Yes

Casings Recovered: 0

Gunshot Residue Results: N/A

Weapon Checked for Fingerprints: N/A

Results: N/A

PROPERTY DAMAGE

None

CRIMINAL INVESTIGATOR/CHARGES FILED

Investigator's Name: Shonka, Karen and Holston, Wayne
Court: Pomona Superior Court
Charges: 245 (c) PC Assault with a Deadly Weapon (not firearm)
Court Date: April 24, 2013 a felony complaint for arrest warrant was filed in Case No. KA101614. Acquitted by Jury on 2/02/2014.

LIGHTING AND WEATHER CONDITIONS

Clear, streetlight, night time

This is a summary based on statements given during audio recorded interviews by the Deputy and witnesses. For complete and detailed statements refer to the digital audio recorded files and the verbatim transcripts, which are included in this investigation.

IAB NOTE: The Homicide Interviews were compromised when downloaded to Dictaphone for transcription. Therefore all review of Homicide Interviews should be done via the Compact Disc, provided in this case book. **Refer to Exhibit C**, for Homicide Interviews.

EMPLOYEE STATEMENT

Involved Deputy Ray Huang was interviewed by Homicide Detectives Karen Shonka and Wayne Holston at Walnut Station on February 1, 2013 at 0940 hours. The interview was digitally audio recorded. **Refer to exhibit A, page 41.**

Deputy Huang was interviewed on March 18, 2014, by Internal Affairs Bureau Sergeants David Ladjevic and Romeo Ingreso. The interview took place at Internal Affairs Bureau and was digitally audio recorded. Deputy Huang was represented by Attorney Mitch Kander. The following is a summary of the interviews.

Deputy Huang arrived at Walnut Station on January 31, 2013, at approximately 2130 hours and prepared for his shift. After starting his shift he answered several calls for service and assisted other units on traffic stops. Deputy Huang said once he completed assisting other units he went to "7-Eleven" purchased a sandwich, and returned to the City of Walnut.

Deputy Huang said he drove to the parking lot of the Post Office at the corner of Lemon Avenue and Paseo Del Prado Street and parked adjacent to Lemon Avenue. He was eating when he saw a female (Witness [redacted]) walking south on the west sidewalk of Lemon Avenue. Deputy Huang said due to the late hour and the way Witness [redacted] was dressed, he decided to contact her. As he approached her in his vehicle he noticed that her hair was disheveled and he wanted to check on her welfare.

IAB NOTE: Deputy Huang said at times he has "rolled up" on people, especially females, who have been in domestic situations and he wanted to make sure Witness [redacted] was okay.

Deputy Huang said as he drove his vehicle next to Witness [redacted], he put on his spotlight, put the car in park and yelled, "Hey, come here and let me talk to you." Witness [redacted] was on a cell phone and she continued walking a couple more steps before she turned around. Deputy Huang said he was at the front of his vehicle when Witness [redacted] turned around and began to walk back toward him. Deputy Huang said Witness [redacted] was approximately five feet south of him when she turned around and began to walk toward him. As she turned around he noticed her eyes were "glossy and bloodshot," and her hair was disheveled. Deputy Huang believed Witness [redacted] was involved in a domestic violence incident or was under the influence of drugs or alcohol.

IAB NOTE: Deputy Huang parked his vehicle approximately one and a half feet from the west curb line of Lemon Avenue facing south.

Deputy Huang said he asked Witness [redacted] to get off the phone and to place her phone and purse on the hood of his radio car. Deputy Huang told Witness [redacted] that he was going to conduct a pat down search of her person for weapons. Witness [redacted] complied and placed her hands behind her back. Deputy Huang said during the "pat down" search he retrieved an "Allen" key that was hidden in one of her gloves. Deputy Huang said the "Allen" key was shaved down at one end and could be used as a lock-picking tool or a weapon. Deputy Huang said Witness [redacted] was acting, "Skittish, nervous," and during the pat-down he asked her what she was doing out. Deputy Huang said she told him she was in a fight with her boyfriend.

Deputy Huang asked Witness [redacted] where she got the "Allen" key. Witness [redacted] was vague and said, "Up there." Deputy Huang said he asked Witness [redacted], "Up where?" Witness [redacted] told him, "By Von's." Deputy Huang placed Witness [redacted] into the backseat of his patrol vehicle pending a burglary tool investigation.

IAB NOTE: A Von's Grocery store is located approximately one half mile from the location of the pedestrian stop.

Deputy Huang said he retrieved Witness [redacted] purse from the hood of his radio car and took it to the driver's side of his vehicle. Deputy Huang said he did this in order to use the spotlight which was already on. Deputy Huang said he wanted to use the spotlight to illuminate the interior of the purse in order to find her identification. Deputy Huang further stated once he found her identification he was going to enter the driver's side of his vehicle and run her, in order to identify her.

IAB NOTE: The passenger side spotlight was not activated. In order to activate the spotlight Deputy Huang would have to enter the vehicle and push a button on the control panel that was located in the center console of his vehicle.

Deputy Huang said there was no vehicle traffic when he began to look into the purse. He said he had just started to look into the purse when he noticed a vehicle approaching him from the north in the number two lane. Deputy Huang said the vehicle slowed and came to a stop approximately 25 feet away from him. Deputy Huang said when the vehicle stopped Witness [redacted] yelled out, "That's my boyfriend, that's my boyfriend." Deputy Huang said due to Witness [redacted] earlier statements, regarding the fight with her boyfriend, he felt threatened and drew his weapon. He used the light on his gun to illuminate the interior of the vehicle. Deputy Huang said the suspect vehicle's headlights were on, but did not affect his vision.

Deputy Huang said he felt vulnerable and feared the suspect was going to run him over. Deputy Huang yelled, "Hey you need to get out of here," and the suspect yelled back, "That's my [redacted]." Deputy Huang yelled back, "I don't care that's your [redacted] you need to get the Fuck out of here." Deputy Huang said after he told the suspect to get the, "Fuck" out of here, he could see the suspect lift both hands off of the steering wheel and "Flip" him off. Deputy Huang said as the suspect was flipping him off the suspect yelled, "Fuck you" in an aggressive voice. Deputy Huang said the suspect appeared to be "pissed off" as he illuminated him with his flashlight. Deputy Huang said the he did not want to turn his back on the suspect and felt his only route of escape was to go southeast into "open ground" across Lemon Avenue. Deputy Huang said as he began to move he saw the suspect turning the vehicle in his direction. Deputy Huang said he could hear the tires squeal as if they were losing traction, and then the suspect vehicle began to move toward him. Deputy Huang said the suspect vehicle came within 10 feet of him when he began to shoot. Deputy Huang said he continued shooting until he tripped and fell near the center median. Deputy Huang said the suspect vehicle, "spun out" and was approximately three feet from him after he fell to the ground.

Deputy Huang said the suspect vehicle crossed the center median and came to rest in the north bound lanes of Lemon Avenue facing west. Deputy Huang said the suspect exited the passenger door and ran toward the commercial buildings on the eastside of Lemon Avenue. Deputy Huang said as the suspect ran between the first and second buildings he saw him go north, and that was the last time he saw him.

Deputy Huang said as soon as he got up off of the ground he put out emergent traffic, "10-33, give me the patch 291-King-3 involved 998." **Refer to Exhibit E**, for Deputy Huang's radio transmission. Deputy Huang said after coordinating units, he returned to his vehicle. Deputy Huang said he entered his vehicle and asked Witness [redacted] why her boyfriend tried to run him over. Deputy Huang said Witness [redacted] told him, "He didn't try to run you over. What did you want him to do, go in reverse?" Deputy Huang answered her saying, "He floored it and tried to run me over." Witness [redacted] began calling Deputy Huang a liar, at which time Deputy Huang exited the vehicle and stood outside.

WITNESS STATEMENTS

Witness [redacted] was interviewed on February 1, 2013, at 0713 hours, at Walnut Station, and on February 5, 2013, at 1410 hours at Homicide Bureau. The interviews were conducted by Homicide Detectives Karen Shonka and Wayne Holston. On February 5, 2013, Witness [redacted] was represented by Attorney Sarah Garvey. Both interviews were digitally audio recorded.

For a detailed summary of Witness [redacted] Homicide interviews, **refer to Exhibit A, page 50.**

Due to a pending Civil Lawsuit, attempts to contact Witness [redacted] were made through her attorney Dale Galipo. Several messages were left with Mr. Galipo's office regarding my intentions to interview Witness [redacted] Mr. Galipo did not return my phone calls.

Suspect Statements

Suspect Lobrono was interviewed on February 4, 2013, at 1410 hours at Men's Central Jail. The interview was conducted by Homicide Detectives Karen Shonka and Wayne Holston. The interview was digitally audio recorded.

During the interview Suspect Lobrono believed the Detectives were his attorney's. Upon contacting the Detectives, Suspect Lobrono said he did not do anything wrong and did not know why the deputy shot him. Suspect Lobrono said he went to the location after Witness [redacted] told him she was getting stopped by the police. He further stated when he was at the location the deputy told him to turn his vehicle around. Suspect Lobrono said he couldn't turn the car around because it was a one way street with a center divider. He said he began to drive away slowly when the deputy "popped" one off and then everything went crazy. Suspect Lobrono said the deputy shot his windshield and glass went in his face and the bullet went into his chest. Suspect Lobrono said he then "hit" the accelerator. Suspect Lobrono said he ran from the scene and the deputy did not chase him.

For a detailed summary of Suspect Lobrono's Homicide interview, **refer to Exhibit A, page 47.**

Due to a pending Civil Lawsuit, attempts to contact Suspect Lobrono were made through his attorney Dale Galipo. Several messages were left with Mr. Galipo's office regarding my intentions to interview Suspect Lobrono. Mr. Galipo did not return my phone calls.

REVIEW OF VIDEO RECORDINGS

Surveillance video was obtained from the California Bank and Trust ATM, located at 20401 Valley Boulevard, Walnut, California. The video was reviewed by Internal Affairs Bureau Investigator, Sergeant Ladjevic. The ATM surveillance video is approximately forty five minutes.

At approximately 01:56:06 hours it appears the radio car stops on Lemon Avenue facing south on the west curb line.

> **IAB NOTE:** The radio car's headlights and the suspect vehicle's headlights are the only objects that can be seen in the video. **Refer to exhibit F**, California Bank and Trust ATM, surveillance video.

On the video at approximately 01:57:45 hours, it appears that the suspect vehicle is seen driving north on Lemon Avenue. At approximately 01:57:58 the suspect vehicle appears to make a U-turn at the intersection of Paseo Del Prado and Lemon Avenue. At approximately 01:58:11 hours the suspect vehicle appears to stop north of Deputy Huang's radio car. At approximately 01:58:16 hours it appears the suspect vehicle drives south and turns east.

A surveillance video was obtained from the United States Post Office located at 280 South Lemon Avenue. The video was reviewed by Internal Affairs Bureau Investigator, Sergeant Ladjevic. The surveillance video is approximately thirty minutes.

On the video it appears to show the suspect running north in the alley located east of the post office at approximately 02:34:15 hours.

> **IAB NOTE:** The surveillance camera is located at the rear of the post office and faces east. **Refer to Exhibit G**, for post office camera footage.

At approximately 02:26:31 hours, a radio car is seen driving north in the alley east of the post office.